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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,132	08/27/2001	Mihai Preda	+13463-002001	3929
26161	7590	07/26/2005	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			VEILLARD, JACQUES	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/940,132

Applicant(s)

PREDA ET AL

Examiner

Jacues Veillard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-8 and 23-39 is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |                                                                                                                                               |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                                              | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/3/2004</u> . | 6) <input type="checkbox"/> Other: _____                                                |

RD

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after a notice of allowability was mailed. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the notice of allowability of the previous office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/3/2005 has been entered. An action on the RCE follows.

2. This action is responsive to the applicant's communication filed on 9/3/2004.

3. Claims 1-39 are pending and presented for examination, upon which claims 1, 5, 9, 19, 26-28, 31, 36-39 are the independent claims. Other claims are the dependent.

### ***Information Disclosure Statement***

4. The information disclosure statement (IDS) submitted on 9/3/2004 was filed after the mailing date of the application on 8/27/2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, it has been placed in the application file and has been considered as to the merits.

### ***Drawings***

5. The drawings filed on August 27, 2001, are approved as to the merits.

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6. Claim 6 is objected to because of the following informalities: the claim recites in line 1 “ The method according to claim 1” should be – The method according to claim 5-. Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4, and 9-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically, as directed to an abstract idea.

As per claims 1 and 9, the language of the claims is directed to an abstract idea that is not tied to a technological art, environment or machine, which would result in a practice application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U. S. C. 101. The claims cannot be placed into one of the four categories of an invention because the claims refer to a “method for updating importance rank of nodes in a dynamically changing large graph; the importance ranks are used by an application” which without a tangible embodiment (computer, or computer readable medium) is considered as descriptive material abstract idea, therefore not statutory as required per MPEP 2106.

As per claim 19, it is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically, as directed to an abstract idea.

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The claim refers to a “method of calculating the importance of nodes in a changing graph” which without a tangible embodiment (computer, or computer readable medium) is considered as descriptive material and abstract idea, therefore non-statutory.

Any claim not directly rejected under 35 U. S. C. 101 stands rejected due to its dependency of their base claims.

***Allowable Subject Matter***

8. As allowable subject matter has been indicated, Applicant’s reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

9. The following is an examiner’s statement of reasons for allowance: upon searching a variety of databases, the Examiner respectfully submits that: a) the steps of updating the importance rank of nodes in the graph in real time during visit of nodes in the graph comprising the steps of updating the importance rank of nodes in the graph substantially in real time during visit of nodes in the graph; if the graph is not strongly connected, selectively applying corrective measures; and prescribed an algorithm for the order of visit of nodes wherein the algorithm that governs the order of visit of nodes is not prescribed by the updating and applying correction steps as embodied in the independent claims 1, 5, 26, and 36, in context with the other limitations of the claims and as further described in the specification on page 14, lines 4-30 and page 15, line 21

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through page 16, line 30 et alia was not disclosed by , would not have been obvious over, nor would have been fairly suggested by the prior art of record (PTO-1449 and 892).


b) the steps of updating and calculating importance rank of nodes in a dynamically changing graph comprising the steps of: storing for each node in the graph at least a short history indication representing the history of what happened to the node in terms of importance rank since last update; a long history indication representing the history of what happened to the node in terms of importance rank since a certain point of time in the past; a visiting process wherein the visiting node has at least one child node for distributing at least substantial part of the short history, and a recording process that records at least substantial part of the short history indication of the visited node to the long history indication of the visited node and designating that the recording has been accomplished as embodied in the independent claims 9, 19, 27, 28, 31, 37, 38, and 39, in context with the other limitations of the claims and as further described in the specification on page 20, line 23 through page 23, line 26 et alia was not disclosed by , would not have been obvious over, nor would have been fairly suggested by the prior art of record (PTO-1449 and 892).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (571) 272-4086. The examiner can normally be reached on Mon. to Fri. from 9 AM to 4:30 PM, alt. Fri. off..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272- 4146. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JEFFREY GAFFIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

J.V  
Jacques Veillard  
Patent Examiner TC 2100

July 20 2005